

RESOLUTION NO. 78-3

SEWER AND WATER SERVICE POLICY - WHEREBY POLICY IS ADOPTED REQUIRING THAT ALL NEW EXTENSIONS OF MERCED CITY SEWER OR WATER SERVICE BEYOND THE CORPORATE LIMITS OF THE CITY WILL BE GRANTED CONTINGENT UPON ANNEXATION, WITH THE EXCEPTION OF EMERGENCY SITUATIONS WHICH JEOPARDIZE PUBLIC HEALTH AND SAFETY.

WHEREAS, the Merced City Council at its regular meeting of January 3, 1978, did consider the difficulties of processing prospective developments, requiring Merced city sewer and/or water service, through both the city and the county; and,

WHEREAS, the City of Merced does not presently have a specific sewer and water service area policy; and,

WHEREAS, the present system of utilizing sewer service agreements when extending city sewer services beyond the corporate limits does not guarantee annexation of the area to the city; and,

WHEREAS, it is within the jurisdiction of the City of Merced to refuse sewer and/or water service to an individual property owner as long as the decision is not arbitrary and is based on sound planning practices; and,

WHEREAS, this policy is based on and consistent with the findings and recommendations of the Fringe Area Study, which was prepared in cooperation with the County of Merced as input from the City of Merced to the preliminary update to the Land Use Element of the Merced County General Plan; and,

WHEREAS, this policy is consistent with the Merced City General Plan - 1990 and the policies and map of the Open Space Element of the Merced City General Plan; and,

WHEREAS, this policy will encourage a well-managed and economical form of urban growth, while discouraging urban sprawl and premature development of prime agricultural land in the City of Merced's fringe area; and,

WHEREAS, the Urban Improvement Area, to which City of Merced sewer and water services will be extended will encompass the existing urban area, as well as a supply of undeveloped vacant land sufficient to accommodate projected growth; and,

WHEREAS, this policy will prevent costly extension of city services in a "leapfrog" manner, thereby creating a sound fiscal policy for the city; and,

WHEREAS, the adoption of this uniform policy based on the Urban Limit Line, and other sound planning tools, will protect the city from future accusations of discriminatory actions with individual decisions on extension of sewer and water service in that the guidelines and boundaries have been predetermined based on projected growth for the city.

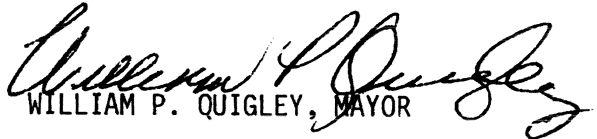
NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Merced as follows:

1. The policies for extension of City of Merced sewer and water service shall be in conformity with the Merced Fringe Area Study and Recommendation as adopted as the official input to the preliminary update (1977) of the Merced County Land Use Element of the General Plan.
2. No extensions of City of Merced water or sewer services will be granted except within the corporate limits; therefore, any new developments on the city's fringe requiring city sewer and/or water service will only be granted these services upon annexation to the City.
3. No city sewer and water services shall be extended into an Agricultural Transition Zone, beyond the Urban Limit Line, or outside the Urban Improvement Area, as adopted by the City of Merced in the Open Space Element and the Merced Fringe Area Study and Recommendation, without official revision to these documents.
4. Exceptions to these policies shall only be granted in emergency situations or exceptional cases, such as septic system failure or well failure, where public health and safety is jeopardized. These exceptions shall be reviewed as special cases on an individual basis.

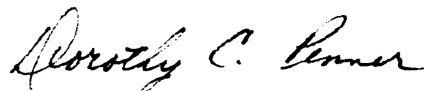
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Duly and regularly adopted by the City Council at its regular meeting held January 3, 1978.

APPROVED:


WILLIAM P. QUIGLEY, MAYOR

ATTEST:
ALLAN R. SCHELL, CITY CLERK

BY: 
DOROTHY C. PENNER
DEPUTY CITY CLERK